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Via Email and US Mail

Stephen Armann
U.S. Environmental Protection Agency, Region 9
75 Hawthorne St., WST-4
San Francisco, CA 94105

Re: General Electric Company Oakland Facility

Dear Mr. Armann:

I appreciated the opportunity to meet with you and others from the U.S. Environmental Protection Agency, Region 9 (USEPA) regarding the Remedial Action Plan (RAP) approved by the California Department of Toxic Substances Control (DTSC) for the General Electric Company (GE) facility located at 5441 International Boulevard, Oakland, California (the "Site"). As we discussed, DTSC has completed the public review process for the remedy, including public notice and comment, and approved the remedy design. DTSC has determined that the approved remedy will effectively protect human health and the environment, including protecting against any risks that might be posed by PCBs at the Site. Based upon our recent meeting and prior discussions, I understand that USEPA supports the approved remedy as protective in addressing PCB impacts at the Site and agrees that the Site does not pose an unreasonable risk to human health or the environment. However, USEPA has determined that USEPA would also need to approve the RAP regardless of DTSC approval and requested that GE submit an application for a risk-based disposal approval under 40 CFR 761.61(c). USEPA has indicated that GE can submit the RAP as the application.

As requested in the letter we received from USEPA on December 14, 2012, and discussed at the recent meeting, GE is submitting this letter and the enclosed attachments for your review as an application for risk-based disposal approval pursuant to 40 C.F.R. § 761.61(c) for the Site. This application is being submitted under a reservation of rights as noted below. The application consists of the following:

- Attachment A - the California Department of Toxic Substances Control (DTSC) approved Final Remedial Action Plan (RAP) (Geosyntec, 2011)
- Attachment B - the DTSC approved Final Remedial Design and Implementation Plan (Geosyntec, 2012)
- Attachment C - the DTSC approved Revised Work Plan for Additional Soil Investigation and Soil Removal at PepsiCo Site (Geosyntec, 2012). Note, as discussed at our meeting on March 6, 2013, we are now proposing to use the soils excavated from the PepsiCo property as fill material in the 6-acre portion of the site that will be capped.

- Attachment D - Completion Reports from the soil cleanup actions conducted in 2000 and 2004 at several residential properties located immediately north of the Site under DTSC approved work plans.
- Attachment E – Figure providing PCB concentrations for the existing building slabs, which in the RAP we have proposed to maintain as part of the cap once the Site buildings are demolished. The figure also identifies the slabs we propose to cap with 6 inches of asphalt and the slabs we propose to sample (and notes regarding sampling procedures) to determine if they will be capped once the buildings are demolished. GE is currently working with the City of Oakland to complete a CEQA review of the demolition of site buildings that is necessary prior to approval of demolition permits for the demolition work.

This letter also serves as certification required pursuant to 40 C.F.R. § 761.61(a) (3) that all sampling plans, sample collection procedures, sample preparation procedures and instrumental/chemical analysis procedures used to assess or characterize the PCB contamination at the cleanup site are available for USEPA inspection at Geosyntec's Office located at 1111 Broadway, 6th Floor, Oakland, California.

This application is being submitted with the understanding that USEPA supports the approved remedy as protective in addressing PCB impacts at the Site and will approve the remedy application in a timely manner. As you are aware, GE has worked cooperatively over many years with DTSC to complete the site investigation and to determine an appropriate remedy for the Site. The approved remedial action plan has been through a thorough public review process (which included USEPA), including formal public notice and comment, and DTSC has approved the remedy design. DTSC has determined that the approved remedy will effectively protect human health and the environment, including protecting against any risks that might be posed by PCBs at the Site. GE is prepared to implement the approved remedy and ready to begin construction during the current construction season. GE is not aware of any reason for further delay in implementing the remedy.

GE is submitting this application in the interest of moving remedy implementation forward at the Site. As noted in prior communications, however, GE reserves all rights to challenge the application of 40 C.F.R. § 761.61 to the remediation of this Site should that prove necessary.

We look forward to receiving USEPA's timely approval of this application. If you have any questions regarding the enclosed documents, please don't hesitate to contact me at your convenience at (610) 992-7972.

Sincerely,



Lance Hauer, P.E.
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Enclosures

CC: Jacinto Soto, DTSC